

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: VALEANT PHARMACEUTICALS
INTERNATIONAL, INC. SECURITIES
LITIGATION**

THIS DOCUMENT RELATES TO:

3:18-cv-00089 (MAS) (LHG) (Hound
Partners)

Civil Action No. 15-7658

JUDGE MICHAEL A. SHIPP
JUDGE RUKHSANAH L. SINGH

JUDGE DENNIS CAVANAUGH, RET.
SPECIAL MASTER

DECLARATION OF MATTHEW SKLAR IN SUPPORT OF MOTION TO SEAL

Matthew A. Sklar
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Telephone: (973) 622-4444
Fax: (973) 624-7070

Jonathan K. Youngwood (admitted *pro hac*
vice)
Craig S. Waldman (admitted *pro hac vice*)
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017-3954
Telephone: (212) 455-2000
Fax: (212) 455-2502

Attorneys for Valeant Pharmaceuticals International, Inc.

MATTHEW A. SKLAR declares as follows:

1. I am an attorney-at-law of the State of New Jersey, a member in good standing of the bar of this Court, and a Partner in the law firm of McCarter & English, LLP, attorneys for Defendant Valeant Pharmaceuticals International, Inc. (“Valeant”), and have personal knowledge of the facts set forth herein.

2. I submit this declaration in support of Valeant's Consolidated Motion to Seal (i) designated portions of Valeant's Letter to The Honorable Dennis M. Cavanaugh, U.S.D.J. (Ret.) (3:15-cv-07658 Dkt. No. 1039, "Letter"), and (ii) Exhibit D attached to the Letter.

3. This Motion is being made pursuant to the terms of the confidentiality orders entered by this Court in these actions, which direct that in the event any information or documents designated as "Confidential" are filed with the Court, the filing party may petition that the confidentially-designated material be sealed in accordance with Local Civil Rule 5.3.

4. The materials that are the subject of this Motion have been designated as "Confidential" pursuant to the Confidentiality Order: (i) designated portions of the Letter, and (ii) Exhibit D attached to the Letter.

5. In support of this Motion and in accordance with L. Civ. R. 5.3(c)(3), counsel for Valeant has submitted a redacted version of the Letter (attached as Exhibit 1). Counsel for Valeant has further prepared an index identifying the redacted information the Parties seek to seal and describing with particularity: (a) the nature of the material; (b) the legitimate private or public interest which warrants the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; (d) why a less restrictive alternative to the relief sought is not available; (e) any prior order sealing the same materials in the pending action; and (f) the identity of any party or nonparty known to be objecting to the sealing request. The index is attached as Exhibit 2.

6. Valeant deems the information contained in the certain exhibits "Confidential" because the materials contain non-public, commercially sensitive information. Valeant maintains

that if these materials were to become available to the public, it would likely suffer significant harm, including the dissemination of private and proprietary business information.

7. Given the nature of the arguments made by Valeant and Plaintiffs, there is no less restrictive alternative available than to rely upon the confidentially-designated documents while simultaneously following the terms of the Confidentiality Order in seeking to seal these documents.

8. Furthermore, Valeant's request is narrowly tailored and limited to the materials deemed "Confidential", and the unredacted portions sufficiently disclose the nature of the parties' discovery dispute to the public.

9. Valeant conferred with Plaintiffs, who do not oppose this motion. Valeant is not aware of any other party or nonparty opposing this motion.

10. The Parties respectfully request that the Court grant their Consolidated Motion to File Under Seal.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 12, 2022

McCARTER & ENGLISH, LLP

/s/ Matthew Sklar

Matthew A. Sklar
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Telephone: (973) 622-4444
Fax: (973) 624-7070

*Local counsel for Valeant Pharmaceuticals
International, Inc.*

SIMPSON THACHER & BARTLETT LLP

Jonathan K. Youngwood (admitted *pro hac vice*)
Craig S. Waldman (admitted *pro hac vice*)
425 Lexington Avenue
New York, NY 10017-3954
Telephone: (212) 455-2000
Fax: (212) 455-2502

*Counsel for Valeant Pharmaceuticals
International, Inc.*